

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PABLO E. MELENDEZ,

Plaintiff,

-against-

NEW YORK CITY HEALTH &
HOSPITALS, et al.,

Defendants.

21-CV-9163 (GHW) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Plaintiff Melendez, who is now represented by counsel (*see* Dkt. 50), proposes to further amend his complaint in order to, *inter alia*, assert claims against additional individual defendants with respect to plaintiff's excessive force and denial of medical care claims. A copy of the proposed amended pleading has been provided to counsel for the current defendants. During today's telephonic conference, defendants requested additional time to consider whether to consent to the amendment. At the Court's request, counsel also agreed to consider whether plaintiff's excessive force claims should be severed from his claims regarding his medical care while incarcerated.

Anticipated Amendment to Pleading

No later than **August 25, 2023**, the parties shall inform the Court, by letter, whether they will stipulate to the filing of a further amended complaint and/or the severance of the excessive force claims. To the extent they have reached agreement, they shall submit a stipulation and proposed order for the Court's review. To the extent motion practice will be required with respect to either amendment or severance, the parties shall propose a schedule for the anticipated motion(s).

Discovery

No later than **September 25, 2023**, plaintiff shall serve his responses to defendants' initial written discovery requests. (*See* Dkt. 45 Ex. A.) In light of the potential further amendment to the complaint, the Court ADJOURNS the fact discovery deadline *sine die*.

Dated: New York, New York
August 16, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge